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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/786,063 | 07/10/2001 | Stefan Hennen | 112740-184 | 6452 |
| 29177 7590 12/21/2006 BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135 | | | EXAMINER PHUNKULH, BOB A | |
| | | | ART UNIT | PAPER NUMBER |
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| SHORTENED STATUTORY PERIOD OF RESPONSE | | MAIL DATE | DELIVERY MODE | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/786,063 | HENNEN ET AL. | |
| | Examiner | Art Unit | |
| | Bob A. Phunkulh | 2616 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The finality of the previous Office Action mailed 3/9/2006 is hereby withdrawn.

This communication is in response to applicant's 08/09/2006 amendment(s)/response(s) in the application of **HENNEN et al.** for "TELECOMMUNICATIONS SYSTEM AND METHOD FOR TRANSMITTING DATA AND TELECOMMUNICATION SYNCHRONIZATION METHOD" filed 02/28/2001. The amendments/response to the claims have been entered. No claims have been canceled. No claims have been added. Claims 28-54 are now pending.

Claim Objections

Please insert "of the clock signal" after claimed subject matter "the quality" in line 5. Also, correct the "messages" to -message- since there is only one message generated the preceding step.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 28-33, 37-42, 45-52 are rejected under 35 U.S.C. 102(e) as being anticipated by *Meki et al.* (US 6,041,066), hereinafter *Meki*.

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Regarding claims 28, 37, *Meki* a telecommunication system for transmitting data via at least one of a plurality of different transmission networks, the telecommunication system being supplied with at least one clock signal as synchronization source from the at least one transmission network, the telecommunication system comprising:

at least one interface unit for receiving data from the at least one transmission network, the data describing a quality of the clock signal supplied via the at least one transmission network (NE receives message signals at several inputs LINE1 and LINE2, each signal includes a synchronization status message indicating the quality of level of each clock, see col. 2 lines 9-24);

a device for assessing the quality of the at least one clock signal (NE further includes a CPU, which is a processor for comparing the quality levels of the clocks acquired by the quality acquisition/setting unit QRS and adopting the clock having the best quality as the master clock, and a master clock selector MCS which, in response to an indication from the CPU, selects the clock having the highest quality level as the master clock, see col. 2 lines 25-32); and

a converter in the at least one interface unit which converts the data describing the quality of the clock signal into messages, the format of the messages being independent of a format of the data transmitted, and which transmits the messages to the device for assessment (NE sets the synchronization status message indicating the quality of the master clock in the overhead S1 byte of the main signal sent in the UP direction and, in sync with this master clock, sends the main signal in the UP direction from the LINE2 side, see col. 2 lines 33-42).

It should be noted that the synchronization status Sync Msg is a messaging indicating the quality of clock, and this message is sent and received using the overhead (S1 byte) of the SONET signal or the data link of an ESF DS1 signal (see col. 1 lines 52-60). Thus, the synchronization status message is independent of a format of the data transmitted.

Regarding claim 29, *Meki* discloses the converter receives additional messages from the device and converts the additional messages into data of a format of the at least one transmission network (see col. 2 lines 13-24).

Regarding claims 30, 38, *Meki* discloses the data contains both user data and supplementary data, the quality of the clock signal being described by the supplementary data (the frame comprises of payload (user data) and section overhead (supplementary data), and the section over head includes S1 byte for transmitting the synchronization status message, see figures 15, 17-18).

Regarding claims 31, 39, *Meki* inherently discloses the plurality of different transmission networks includes at least one PDH transmission network (in col. 1 lines 15-26, *Meki* discloses that is invention is in "a synchronous digital communication system." It is known in the art that synchronous network includes PDH, SDH, SONET, etc...).

Regarding claims 32, 40 *Meki* the plurality of different transmission networks includes at least one SDH transmission network (see col. 1 lines 15-26).

Regarding claims 33, 41, *Meki* the plurality of different transmission networks includes at least one SONET transmission network (see col. 1 lines 15-26).

Regarding claim 45, *Meki* discloses the step of deciding includes selecting a highest-quality clock signal supply (selecting the clock having the best quality, see col. 2 lines 25-32).

Regarding claim 46, *Meki* discloses the step of deciding includes selecting a clock signal having a quality which is above a threshold value (selecting the clock having the best quality, see col. 2 lines 25-32).

Regarding claim 47, *Meki* discloses a method for transmitting data from a telecommunication system into at least one of a plurality of different transmission networks, the data describing a quality of a clock signal with which the telecommunication system is synchronized, the method comprising the steps of:

generating a message describing the quality in a format which is independent of formats of the data to be transmitted (NE sets the synchronization status message indicating the quality of the master in the overhead S1 byte of signal, see col. 2 lines 33-35; or the data link of an ESF DS1 signal, see col. 1 lines 52-57);

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converting the messages into data of a format used in the at least one transmission network (setting the synchronization status message indicating the quality of the master clock in the overhead S1 byte of the main signal sent in the UP direction and, in sync with this master clock, see col. 2 lines 33-35; or the data link of an ESF DS1 signal, see col. 1 lines 52-57); and

transmitting the data into the at least one transmission network (sends the main signal in the UP direction from the LINE2 side, see col. 2 lines 35-36; and the network is either SDH or SONET network, see col. 1 lines 15-26).

Regarding claim 48 , *Meki* discloses the data contains both user data and supplementary data, the quality of the clock signal being described by the supplementary data (the frame comprises of payload (user data) and section overhead (supplementary data), and the section over head includes S1 byte for transmitting the synchronization status message, see figures 15, 17-18).

Regarding claim 49, *Meki* inherently discloses the plurality of different transmission networks includes at least one PDH transmission network (in col. 1 lines 15-26, *Meki* discloses that is invention is in "a synchronous digital communication system." It is known in the art that synchronous network includes PDH, SDH, SONET, etc...).

Regarding claim 50, *Meki* the plurality of different transmission networks includes at least one SDH transmission network (see col. 1 lines 15-26).

Regarding claim 51, *Meki* the plurality of different transmission networks includes at least one SONET transmission network (see col. 1 lines 15-26).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34-36, 42-44, 52-54, are rejected under 35 U.S.C. 103(a) as being unpatentable over *Meki* in view of *Wolf* (US 5,886,996).

Regarding claims 34-36, 42-44, 52-54, *Meki* fails to disclose the messages for describing the quality contain numerical values within a value range or the value ranges at least as wide as a largest value range of the data transmitted; or the value range includes four bits of a byte.

Wolf '996, on the other hand, discloses bits 5 to 8 of the S1 (Z1) bytes defines standard reference clocks according to ITU-T Recommendations (see col. 1 lines 66 to col. 2 lines 8).

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Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made implement the teaching of *Wolf* '996 in the system taught by *Meki* in order to comply with the ITU-T standard.

Response to Arguments

Applicant's arguments with respect to claims 28-54 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any response to this action should be mailed to:

The following address mail to be delivered by the United States Postal Service (USPS) only:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

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Customer Window, Mail Stop _____
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571) 272-3083**. The examiner can normally be reached on Monday-Tuesday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Wellington Chin**, can be reach on **(571) 272-3134**. The fax phone number for this group is **(571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bob A. Phunkulh
Primary Examiner
TC 2600
Technology Division 2616
December 19, 2006

BOB PHUNKULH
PRIMARY EXAMINER